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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH**

THE SCO GROUP, INC.

Plaintiff/Counterclaim-Defendant,

v.

INTERNATIONAL BUSINESS  
MACHINES CORPORATION,

Defendant/Counterclaim-Plaintiff.

**[PROPOSED] ORDER GRANTING EX  
PARTE MOTION FOR LEAVE  
TO FILE SCO'S OVER LENGTH  
MEMORANDUM IN SUPPORT OF  
ITS MOTION FOR  
RECONSIDERATION BY THE  
MAGISTRATE COURT OF THE  
ORDER DENYING SCO'S MOTION  
FOR RELIEF FROM IBM'S  
SPOILIATION OF EVIDENCE**

Case No. 2:03CV0294DAK

Honorable Dale A. Kimball  
Magistrate Judge Brooke C. Wells

This matter comes before the Court on the Ex Parte Motion of Plaintiff/Counterclaim-Defendant The SCO Group (“SCO”) for Leave to File their over length Memorandum in Support of its Motion for Reconsideration by the Magistrate Court of the Order Denying SCO’s Motion for Relief for IBM’s Spoliation of Evidence (the “Reconsideration Memorandum”) The Court, having considered the matter, hereby determines that good cause and exceptional circumstances exist and hereby ORDERS that SCO be granted leave to file its over-length Reconsideration Memorandum consisting of 23 pages, exclusive of face sheet, table of contents and authorities, appendixes and exhibits.

DATED: \_\_\_\_\_, 2007

BY THE COURT:

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Honorable Dale A. Kimball

**CERTIFICATE OF SERVICE**

Plaintiff/Counterclaim-Defendant, The SCO Group, Inc., hereby certifies that a true and correct copy of the foregoing [PROPOSED] ORDER GRANTING EX PARTE MOTION FOR LEAVE TO FILE SCO'S OVER LENGTH MEMORANDUM IN SUPPORT OF ITS MOTION FOR RECONSIDERATION BY THE MAGISTRATE COURT OF THE ORDER DENYING SCO'S MOTION FOR RELIEF FROM IBM'S SPOLIATION OF EVIDENCE was served on Defendant/Counterclaim-Plaintiff, International Business Machines Corporation, on this 16<sup>th</sup> Day of March, 2007, via CM/ECF and electronic mail (by agreement of the parties) to the following:

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By:           /s/Mark F. James